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Raised Bill No. 5635 – *An Act Concerning Fraud Committed Through Telephone
Solicitation and Access to Telephone Records*
Judiciary Public Hearing – March 21, 2016

The Connecticut Criminal Defense Lawyers Associations is a not-for-profit organization of more than three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA opposes Section 7 of Raised Bill 5635, *An Act Concerning Fraud Committed Through Telephone Solicitation and Access to Telephone Records*. Section 7 of the proposed legislation makes a seemingly minor change in Connecticut General Statutes § 54-47aa which serves only to reduce the exigent circumstances threshold law enforcement must meet in order to obtain an *ex parte* order compelling disclosure of telephone and internet records. The current legislation requires a showing that the requested information is not only relevant but material as well. The proposed change would replace "and" with "or" requiring only a showing that the sought after information is relevant or material but not both. This is an unnecessary diminution of the threshold showing required by law enforcement.

By contrast, the Judiciary Committee has on its agenda a much more comprehensive piece of legislation which serves to make necessary and appropriate changes to Connecticut General Statutes § 54-47aa. Raised Bill 5640, *An Act Concerning Compelled Disclosure of Cellular Telephone and Internet Records*, is on the Judiciary Committee's agenda for Wednesday, March 23rd. Raised Bill 5640 is the product of multiple meetings between members of the law enforcement community and members of the defense bar, public and private. The changes contained in 5640 address necessary constitutional safeguards while still preserving tools deemed essential to law enforcement.

The Connecticut Criminal Defense Lawyers Association opposes the language in Section 7 of Raised Bill 5635 and asks that it be removed from this bill. CCDLA does support Raised Bill 5640 and asks that the committee act favorably upon it.